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February 25, 2014

BY ECF

The Honorable George B. Daniels
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

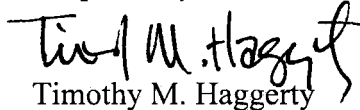
Re: Bank of Montreal v. Optionable, Inc., et al., 09-CV-7557 (GBD) (JLC)

Dear Judge Daniels:

We write on behalf of plaintiff Bank of Montreal. In an Order entered yesterday, Your Honor directed that "Pursuant to the Parties' settlement agreement, all claims and cross-claims in this case are ordered DISMISSED with prejudice." (ECF 271, the "Dismissal Order.")

We write to respectfully request that the Court amend the Dismissal Order to avoid potential confusion that might arise due to the facts that (a) only some of the parties to this litigation are parties to settlement agreements; (b) the unopposed motions at ECF 262 and 266 to which the Order refers sought dismissal with prejudice only of certain claims; and (c) certain other claims in this action had been previously dismissed without prejudice (ECF 108, 269), which dispositions we do not understand the Court to intend to disturb through the Dismissal Order. We believe that any potential for confusion can be eliminated by amending the first sentence of the Dismissal Order as follows (emphasis added): "Pursuant to the Settling Parties' settlement agreements, all remaining claims and cross-claims in this case are ordered DISMISSED with prejudice." We therefore request that the Court enter an Order amending the Dismissal Order accordingly.

Respectfully,


Timothy M. Haggerty

cc: All Counsel (by ECF) and *Pro Se* Defendant (by e-mail)

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